

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4442 of 2016

- Ramesh Kumar Saini S/O Chajuram Saini Aged About 32 Years R/O. Ward No. 11, P.S. - City Kotwali, Revenue & Civil District Hisar (Wrongly Mentioned As Hitar In The Cause Title) Haryana. Presently Residing At Gautam Vihar, Devpuri, P.S. - New Rajendra Nagar, Tehsil - Raipur, Civil & Revenue District - Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Telibandha, Revenue & Civil District - Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Surfaraj Khan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 4-1-2016 in connection with Crime No. 5 of 2016, registered at Police Station Telibandha, District Raipur (CG) for the offence punishable under Sections 420/34, 120-B, 201, 409 of the IPC.
2. As per prosecution case, a report was made by the complainant that the applicant who was working as Branch Manager of the company namely Devyani Properties Ltd., along with other agents collected money from customers to invest same under various schemes and projects with a promise to give them double amount and all of a sudden the said company was closed without giving the amount invested by the customers and responsible persons fled away from the scene and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant was only working as Branch Manager in the said company and was following the instructions given by the company and the money was deposited in the company's account and he has not kept the money with him and he has not taken policy decisions of the company. He would further submit that charge-sheet has been filed in the case and the applicant is in jail since 4-1-2016 and no further investigation is required, therefore, he may be released on bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the nature of allegations and considering the fact that according to the documents collected during investigation, the applicant was only Branch Manager of the said company and he has not taken a policy decision of the company and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 4-1-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju